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Subject: Environment & Energy Report Newsletter

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Environment & Energy Report

Wednesday, October 14, 2020

Inside: * [Leading the News](#) * [Insights](#) * [Companies & Law Firms](#)

Hatch Act Allegations Accumulate Under Trump, Observers Say

Allegations of violations of the Hatch Act have come at a rate not seen in previous administrations, according to interviews with former officials of both parties—but there have been few consequences.

'Fallen Into Disuse': The 81-year-old act clamps down on political activities of government employees while they're on the job. "The Hatch Act is in disuse, and it's long ago fallen into disuse," said David Gergen, a professor of public service at the Harvard Kennedy School who served in the Nixon, Ford, Reagan, and Clinton administrations.

Multiple Agencies: Across the Trump administration, allegations of Hatch Act violations span multiple agencies. In some cases, cabinet chiefs have come close to the line without crossing it. EPA Administrator Andrew Wheeler fell into that category when he spoke about the agency's future at the Nixon Library in Whittier, Calif., on Sept. 3, according to some analysts. Christine Todd Whitman, who led the EPA during the George W. Bush administration, said Wheeler's recent penchant of sharply comparing the Trump administration's record to previous administrations strikes her as unseemly.

Leading the News

Trump U.S.-Mexico Border Wall Funding Rejected by Ninth Circuit

The Trump administration lost its bid to divert funds to help pay for a U.S.-Mexico border wall, when the Ninth Circuit ruled that the border wall construction projects aren't related to military construction projects.

 [Documents Attached](#)

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Butterfly Group Scores Partial Win in Border Wall Challenge (1)

The Trump administration's border security work in Texas potentially interferes with butterfly conservation advocates' property rights, federal judges ruled Tuesday.

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Trump Hits Biden on Fracking in Appeal to Pennsylvania Voters

Donald Trump accused Democratic candidate Joe Biden of wanting to cripple natural gas drilling in Pennsylvania during the president's first visit to the battleground state since recovering from Covid-19.

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Bayer Expects EPA Approval for Dicamba Soon in Herbicide Battle

Bayer AG expects the U.S. Environmental Protection Agency will soon approve the use of dicamba as the controversial battle over the most common herbicide applied to cotton and soybeans drags on.

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P&G Holders Rebuke Board With Vote for Deforestation Report (2)

Procter & Gamble Co.'s shareholders approved a proposal that the maker of Charmin toilet paper publish a report on its efforts to halt deforestation amid pressure from environmentalists.

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Law Firms Reverse Coronavirus Cuts, but 'Triage' Not Over Yet

Some of the country's biggest law firms early in the coronavirus pandemic rushed to cut pay and trim staff, fearing an economic storm ahead. More than half a year later, many are faring better than expected.

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Insights

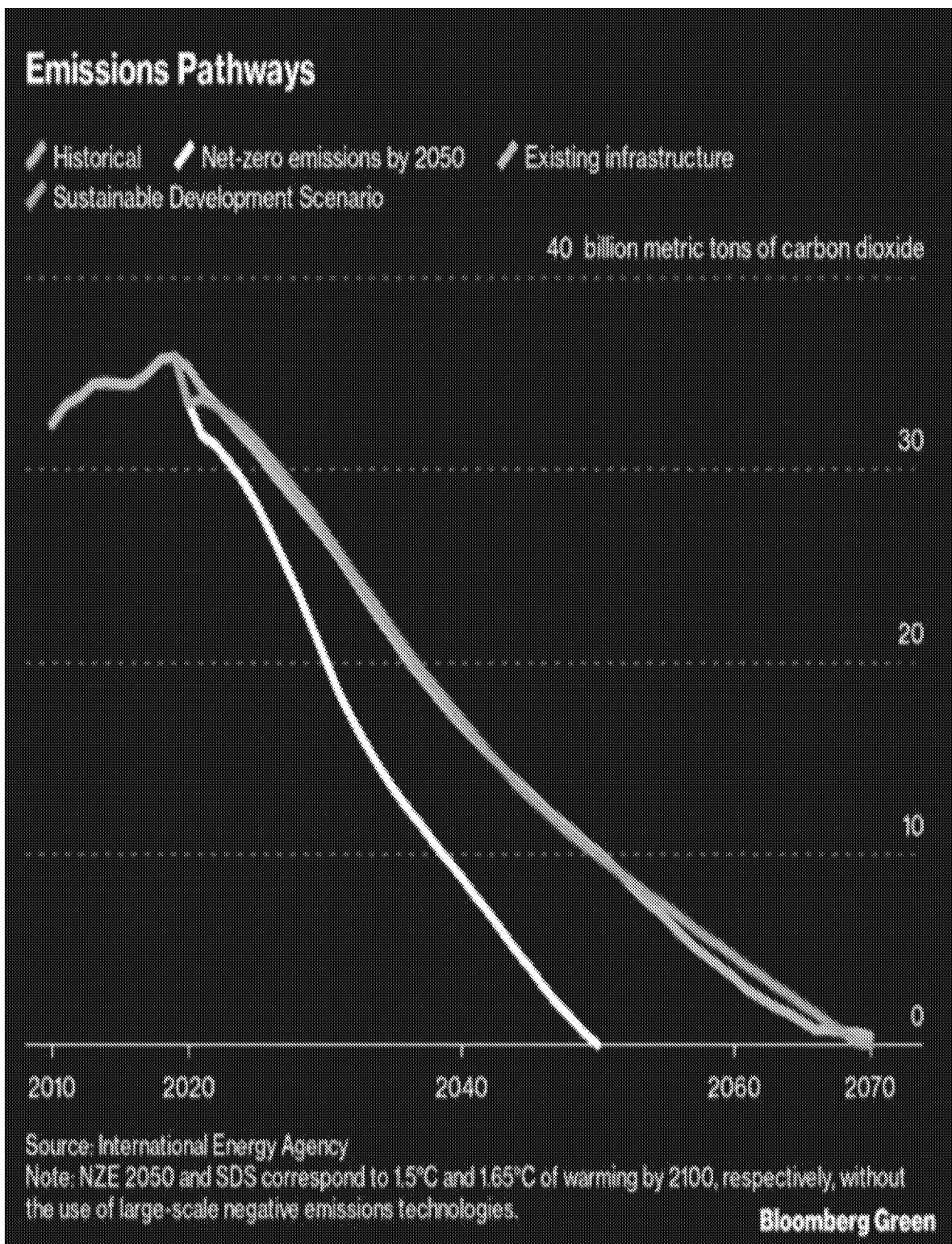
Five Things Clients Can Do to Support the Careers of Diverse Law Partners

By Russell M. Franklin of Morgan, Lewis & Bockius LLP

In the recent past, more of corporate America has been focused on ensuring that diverse law firm partners are provided with opportunities to, and are recognized for, providing outstanding client service. Russell M. Franklin, partner at Morgan, Lewis & Bockius LLP, provides guidance on how clients might advance this goal.

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Climate

Exxon Sees Hawaii County Join Climate 'Deception' Cases (1)

Exxon Mobil Corp., Sunoco LP, and others led a campaign of “deception and denial” about the connection between oil and gas production and climate change, a Hawaiian county says in a new lawsuit in state court.

 [Complaint Attached](#)

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U.K. Government Split Over Carbon Market After Brexit (1)

U.K. Chancellor Rishi Sunak’s Treasury is locked in a battle with Alok Sharma’s Business Department over how to ensure polluters pay for their emissions after Brexit.

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Global Green Bond Sales Seen Doubling Beyond \$2 Trillion by 2023

Global green bond issuance could surpass \$2 trillion in the next three years, according to NN Investment Partners, an asset manager specializing in sustainable investment.

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Ireland Moves to Push Motorists to Greener Cars With Tax Changes

Ireland amends motor tax system to based on “real world” emissions, finance minister Paschal Donohoe says in budget speech.

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Hazardous Waste

New York Reaches Deal to Clean Up Former Bethlehem Steel Site

The former Bethlehem Steel site in western New York will be cleaned and redeveloped under a deal reached by the state and the land’s owners, the governor’s office announced Tuesday.

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Exide Seeks Plan Confirmation as California Demands Site Cleanup

Exide Holdings Inc. is urging a bankruptcy court to confirm its amended Chapter 11 plan after California withdrew its support and renewed demands that the battery maker clean up a defunct recycling facility in the state.

 [Documents Attached](#)

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Energy & Natural Resources

Four Big Takeaways From the IEA's World Energy Outlook (1)

Once a year, the International Energy Agency attempts to impose some order on the chaotic world of oil, gas, power and carbon by publishing detailed scenarios on how the next few decades might unfold.

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FirstEnergy Asks Court to Toss Derivative Suit on Alleged Bribes

A FirstEnergy Corp. shareholder's suit over its purported role in a legislative bribery scandal should be thrown out because there was no demand on the board, the company told a federal judge in Ohio.

 [Documents Attached](#)

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Advanced Energy Can't Avoid Lawsuit Over Faulty Solar Inverters

Advanced Energy Industries Inc. must face a lawsuit claiming it sold faulty inverters for solar panels installed on the roofs of public schools in New York City, a federal court in the state ruled.

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MeiDu Energy's Texas Oil Gamble Goes Bankrupt After Seven Years

MeiDu Energy Corp.'s Texas oil explorer filed for bankruptcy after lenders won a court battle for control of the company's board.

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Oil Firms Face ESG Risk From Partner Assets, Report Says (1)

Shareholders of oil and gas companies face climate risks from projects that are controlled by third parties and fall outside emissions targets, according to a report by the Environmental Defense Fund and Rockefeller Asset Management.

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Chemicals

DuPont, Chemours Sued for PFAS ‘Contamination’ in North Carolina

North Carolina wants DuPont and The Chemours Co. to pay for the “severe contamination” to the environment from chemical-making activities at their facility near Fayetteville.

 [Complaint Attached](#)

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EU Rule Clarifies Deadlines for Updating Chemical Information

Companies now have clearer guidelines for updating information that accompanies their chemical registrations in the European Union, under a new rule published Monday.

 [Final Rule Attached](#)

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China Ups Safety Measures in Draft of New Hazardous Chemical Law

China’s emergency management authority has released the country’s first draft of a new law that could have broad effects on the supply chains of the chemical industry and other sectors using hazardous chemicals.

 [Document Attached](#)

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Companies

Mentioned in this issue

BASF SE

Bayer AG

BP PLC

Chemours Co/The

Chevron Corp

Eni SpA

Equinor ASA

Exxon Mobil Corp

FirstEnergy Corp

Occidental Petroleum Corp

Procter & Gamble Co/The

Repsol SA

Royal Dutch Shell PLC

Sunoco LP

Law Firms

Mentioned in this issue

Baker McKenzie

Boies Schiller Flexner

Bond Schoeneck & King

Cleary Gottlieb

Davis Polk & Wardwell

Davis Wright Tremaine

Hodgson Russ

Jones Day

K&L Gates

Mayer Brown

Morgan Lewis

Nixon Peabody

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